



Town of Westport
Planning and Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
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www.westportct.gov

May 29, 2020

SPECIAL NOTICE ABOUT PROCEDURES FOR THIS ELECTRONIC MEETING:

Pursuant to the Governor's Executive Order No. 7B, there will be no physical location for this meeting. This meeting will be held electronically and live streamed on www.westportct.gov and shown on Optimum Government Access Channel 79 and Frontier Channel 6020. Public comments may be received PRIOR to the Public Hearing and should be sent to PandZ@westportct.gov. Public comments may also be received DURING the meeting if they: (i) are sent to PandZcomments@westportct.gov, (ii) state your full name and address, (iii) identify the Public Hearing agenda item to which your comment relates, and (iv) are received before the public comment session on that agenda item ends. Comments on Public Hearing items that do not meet these requirements will be placed in the public file but will not be read aloud during the meeting. Comments not pertaining to Public Hearing items will not be read aloud during the meeting. If you would like to give your Public Hearing comments by participating in real time in the meeting, please send an email by noon on June 11, 2020, to maryyoung@westportct.gov stating your name and address and the Public Hearing agenda item to which your comments will relate, and meeting participation details will be emailed to you to enable you to participate in real time in the Public Hearing. Meeting materials are available at www.westportct.gov, on the Planning and Zoning Department web page under "P&Z Pending Applications & Recent Approvals".

NOTICE/AGENDA

PLANNING & ZONING COMMISSION MEETING

THURSDAY, JUNE 11, 2020 AT 5:00PM (early start time)

I PUBLIC HEARING

- 1. 100 (aka 11 Burr Road) Riverside Avenue:** Appl. #PZ-20-00153 submitted by Siobhan Powers on behalf of Landmark Preschool for a Special Permit/Site Plan for property owned by Catholic Church of Assumption for excavation and fill activities for renovations to Landmark Academy's "upper" playground located in Residence A zone, PID#C09092000 (must open by 5/9/20 + 90-day extension if needed).
Applicant's presentation time: 5 minutes.
- 2. Text Amendment #777:** Appl. #PZ-20-00133 submitted by Richard Redniss to: Modify §4-5, Maximum Allowable Multi-Family Dwellings, to exempt dwellings approved pursuant to proposed §32-26; Add a definition to §5 for Below Market Rate Housing Units (BMR's); and Add a use subject to Special Permit approval to §32, Supplementary Use Regulations, proposed as §32-26, Adaptive Reuse and Redevelopment of Nonresidential Buildings to Housing. The text amendment if adopted will enable preservation and Adaptive Reuse of existing non-residential buildings to be converted to Multi-Family Dwelling use on properties both listed on the Historic Resources Inventory (HRI) and located in a split zoning district consisting of the Residential A and B Zones. A copy of the proposed text amendment is available on-line at www.westportct.gov is on file in the Town Clerk's Office, is on file in the Planning and Zoning Office, and is attached to this notice (must open by 6/15/20 + 90-day extension if needed).
Applicant's presentation time: 20 Minutes

3. **41 Richmondville Avenue:** Appl. #PZ-20-00132 submitted by Rick Redniss for a Special Permit/Site Plan for property owned by 41 Richmondville LLC for Adaptive Reuse and Redevelopment of Non-Residential Buildings to Housing for a building listed on the Historic Resources Inventory (HRI) located on property in the Residence A zone and Residence B zone, PID#C12046000, relying upon adoption by the Planning and Zoning Commission of proposed Text Amendment #777 (*must open by 6/15/20 + 90-day extension if needed*).

Applicant's presentation time: 20 minutes.

4. **Text Amendment #776:** Appl. #PZ-20-00191 submitted by Attorney John Fallon on behalf of Manhattan Motorcars to add language to §24, General Business District related to automobile dealerships, to allow (if adopted), improvements to Volvo of Westport at 556 Post Road East and other non-conforming dealerships located in the General Business District. A copy of the proposed text amendment is available on-line at www.westportct.gov is on file in the Town Clerk's Office, is on file in the Planning and Zoning Office, and is attached to this notice (*must open by 5/23/20 + 90-day extension if needed*).

Applicant's presentation time: 15 Minutes

5. **556 Post Road East:** Appl. #PZ-20-00190 submitted by Attorney John Fallon on behalf of Manhattan Motorcars to permit additions and renovations to existing Volvo of Westport Automobile Dealership located in the General Business District, PID#E09050000 relying upon adoption by the Planning and Zoning Commission of proposed Text Amendment #776 (*must open by 5/23/20 + 90-day extension if needed*).

Applicant's presentation time: 15 minutes.

II WORK SESSION

(The following items will be discussed and voted on as time permits. The public may observe the work session, but not participate.)

New Business:

- **Davenport Avenue to Hiawatha Lane and Hiawatha Lane Extension:** §8-24 Request by the First Selectman for a report from the Planning and Zoning Commission on a referral from the Water Pollution Control Authority regarding the re-application by Summit Saugatuck, LLC for a main line sanitary sewer extension on property from Davenport Avenue to Hiawatha Lane and Hiawatha Lane Extension, located in the Residence B zoning district (*must decide by 5/18/20 + 90-day extension if needed*).
- **Discussion of Draft Proposal to Modify the P&Z Fee Schedule, Appendix A.**

No Old Business:

A copy of the Legal Notice/ Agenda for the Planning & Zoning Commission hearing on June 11, 2020 is available on-line at www.westportct.gov, on the Planning and Zoning Department web page under "Planning & Zoning Department". Due to the closing of Town Hall to the public during the COVID-19 emergency, and pursuant to the Governor's Executive Order #7I, the Legal Notice/ Agenda for the Planning & Zoning Commission hearing on June 11, 2020 cannot be viewed at the Westport Town Clerk's Office or the Westport Planning and Zoning Office at this time.

It is the policy of the Town of Westport that all Town-sponsored public meetings and events are accessible to people with disabilities. If you need assistance in participating in a meeting or event due to a disability as defined under the Americans with Disabilities Act, please contact Westport's ADA Coordinator at 203-341-1043 or eflug@westportct.gov at least three (3) business days prior to the scheduled meeting or event to request an accommodation.

Dated at Westport, Connecticut on this 29nd day of May 2020, Danielle Dobin, Chairman, Planning and Zoning Commission.

Revised 5-21-2020

2-5-2020

Notes:

- Proposed new language is shown underlined.
- Language [highlighted in brackets] may be withdrawn depending on the approval of companion Special Permit and Site Plan application.

Proposed Text Change #777**TO AMEND:**

- **§4-5 Maximum Allowable Multi-Family Dwellings** by amending standard #2, [if necessary]
- **§5 “DEFINITIONS”**, by adding a new “Below Market Rate Housing Units (BMRs)”, and
- **§32 “Supplementary Use Regulations”**, by adding NEW §32-26 “Adaptive Reuse and Redevelopment of Nonresidential Buildings to Housing” to read as follows:

§4-5 Maximum Allowable Multi-Family Dwellings

2. The first two-hundred (200) multi-family units approved under §32-15B, Age-Restricted Housing, per §32-15B.18, [Adaptive Reuse and Redevelopment of Nonresidential Buildings to Housing, per §32-26.15,] Exemptions and/or dwelling units under §39A-3, Inclusionary Housing Overlay District, Designation/Uses Permitted, ALFCIL Facilities.

§5 DEFINITIONS**Below Market Rate Housing Units (BMRs):**

Housing units deed restricted to sell or rent for less than unrestricted market rate units which may or may not meet the definition of Connecticut General Statute §8-30g and/or other deed restricted housing units approved by the Planning and Zoning Commission to sell or rent at an amount affordable to families earning less than 100% of the Area Median Income.

32-26 Adaptive Reuse and Redevelopment of Nonresidential Buildings to Housing**32-26.1 Purpose**

The purpose of this Regulation is to: a. preserve and adaptively reuse historic buildings listed on the Westport Historic Resource Inventory; b. eliminate nonresidential uses located within certain split zoned residential districts; c. encourage the increase in the diversity of housing choices; d. mitigate peak period traffic generation; and e. promote the health, safety and general welfare of the community. Notwithstanding any other provision of these regulations, when a proposal is to eliminate and/or abandon a nonresidential use located within a split zoned district involving Residence A and Residence B zone districts, and to substitute such nonresidential use with a multi-family dwelling use, then the standards of this subsection shall apply.

32-26.2 Permitted Uses

Adaptive Reuse and/or Redevelopment of existing nonresidential buildings to Multi-Family Dwelling units shall be permitted under this Section, subject to a Special Permit and Site Plan approval in accordance with §43 and §44 of these Regulations except as otherwise provided herein.

32-26.3 Accessory Uses

Accessory buildings, structures and uses including, but not limited to, facilities for recreation, maintenance, administration, off-street parking, storage and utilities serving the residential development may be permitted.

32-26.4 Density

The maximum number of dwelling units for adaptive reuse and/or redevelopment of nonresidential buildings shall not exceed one (1) dwelling unit for each 1,600 square feet of gross floor area within the existing nonresidential. [The minimum number of Below Market Rate Housing Units (BMRs) required pursuant to §32-26.14 shall be exempt from this calculation when provided onsite.]

32-26.5 Floor Area

- a. The total floor area of all proposed uses shall not exceed the existing floor area prior to redevelopment. Mechanical areas and garage parking spaces are exempt from this floor area requirement. Exempt garages may also include storage space provided such space meets the Attic definition of these Regulations. [BMRs required pursuant to §32-26.14 shall be exempt from this floor area requirement, which shall not exceed an additional 0.12 FAR.]

32-26.6 Setbacks

Nonconforming Historic Structures may be allowed to remain and be redeveloped provided that any new building footprint shall comply with the setback requirements of the underlying zoning district.

32-26.7 Height and Stories

Notwithstanding any requirements of the underlying zone(s) or §6-2, to encourage compatibility with Historic Structures proposed to remain, redeveloped buildings may be allowed the same height and stories as the existing Historic Structures, not to exceed three (3) stories or forty-five (45) feet. No accessory building or structure shall exceed 1 story and 20 feet as measured from the top of slab.

32-26.8 Coverage (See Definitions)

Building Coverage shall not exceed thirty-five (35%) percent and Total Coverage shall not exceed seventy (70%) percent.

32-26.9 Signs

Signs shall be permitted in accordance with §33 of the Supplementary Regulations except where an Historic Structure is to remain, a free-standing sign shall be a minimum of five (5) feet from any property line.

32-26.10 Parking

Off-street parking shall be provided in accordance with §34 of the Supplementary Regulations, except drive aisles shall not be less than twenty four (24) feet in width. [The Planning and Zoning Commission may reduce the multifamily parking standards by up to 0.5 spaces per unit upon finding that the proposed parking can accommodate the proposed use and satisfies the Special Permit Standards provided by §44-6.]

32-26.11 Landscaping, Screening and Buffer Areas

Where an Historic Structure is to remain on a site limited by easements for drainage, sanitary sewers, and/or utilities, and where existing landscaped areas are being increased by not less than 15% of the site area, a front landscaping buffer of not less than twenty-five (25) feet shall be maintained along site frontage(s) not occupied by a building. A comprehensive landscaping plan shall be approved by the Planning & Zoning Commission, where the Commission makes a finding that such design can be reasonably shown to moderate heat, noise, glare and accumulation of dust, to shade, to provide privacy from noise and visual intrusion and to prevent the erosion of the soil, excess run-off of drainage water and the consequent depletion of the ground water table and the pollution of water bodies, watercourses, wetlands, and aquifers and to guide the safe circulation of cars and people to parking lots. The standards of §35 shall not apply.

32-26.11.1

Refuse collection areas shall be provided, screened, supplied with covered receptacles, and conveniently located to serve all dwelling units.

32-26.11.2

Mail boxes shall be provided, covered from the elements and conveniently located to serve all dwelling units.

32-26.12 Utilities

32-26.12.1

All utilities and conduits within the lot shall be underground.

32-26.12.2

All buildings shall be connected to a public water supply, suitable power supply and a public sanitary sewer line.

32-26.13 Architectural Design

Special Permit applications shall be referred to the HDC and ARB for recommendations or to the Joint Committee of HDC and ARB for a combined recommendation.

32-26.14 Affordability Requirement

32-26.14.1

In conjunction with residential units proposed as part of this section, 20% of the proposed units shall be Below Market Rate Housing Units (BMRs). Of these units, at least half shall be affordable to households whose income does not exceed 80% of the State Median Income as provided by CT General Statutes §8-30g. Fractional units shall be rounded up.

32-26.14.2

Said requirements may also be satisfied by the dedication of some or all of the BMRs offsite within the Town of Westport. The number, location, and design of such units shall be subject to approval by the Planning and Zoning Commission. All such offsite units shall be affordable to households whose income does not exceed 80% of the State Median Income as provided by CT General Statutes §8-30g.

[32-26.15 Multi-family Cap]

[In order to encourage the preservation of Historic Structures, multifamily residential units in adaptively reused Historic Structures shall be exempt from the limitations of Section 4-5 of these regulations. Units in new construction shall not be exempt.]

Text Amendment #776/#PZ-20-00191-060

Submitted: 3/12/20

Received: 3/19/20

Public Hearing: 6/11/20

Adopted: _____

Effective date: _____

Deleted language is [~~struck out and in brackets~~]; New language is underlined.

§24, GENERAL BUSINESS DISTRICT (GBD) *Revised 07-26-17***24-1 Purpose**

The purpose of the General Business Districts is to allow general commercial and office development in designated areas located along arterial streets, limiting the intensity of development and providing adequate off-street parking. Automotive and similar drive-in type establishments shall be prohibited.

24-2 Permitted Uses

In a General Business District no land, building or structure shall be used, and no building shall be hereafter erected, altered or added to, unless otherwise provided in these regulations, except for one (1) or more of the following uses:

24-2.1 Principal Uses**24-2.1.1**

Any use permitted in the Residence AAA District, subject to the same approvals and conditions specified in 11-2, herein.

24-2.1.2

The following additional uses are permitted subject to Site Plan Approval in accordance with §43, herein.

- a. Stores and shops where goods are sold and services are rendered primarily at retail.
- b. Grocery stores, delicatessens and Retail Food Establishments.
- c. Restaurants.
- d. Cafes and taverns.
- e. Business, professional, medical, healthcare professional, insurance, real estate and other offices.
- f. Banks
- g. Indoor theaters and assembly halls.
- h. Undertaker's establishments.
- i. Newspaper and job printing establishments.
- j. Off-street parking lots, docks and garages.

24-2.2 Special Permit Uses

The following additional uses are permitted subject to Special Permit and Site Plan approval in accordance with §43, herein.

24-2.2.1

Veterinary hospitals and animal clinics. There shall be no more than one outside exercise area for animal runs. The use of such area shall be limited to the period from 8:00 A.M. to 8:00 P.M.

24-2.2.2

Golf driving ranges, paddle tennis courts, tennis courts, bowling alleys, skating rinks and other indoor and outdoor commercial recreation and entertainment uses, except game rooms.

24-2.2.3

Commercial marinas, including accessory boat sales. No boat shall be occupied or used as a dwelling or dwelling unit.

24-2.2.4

Commercial Wireless telecommunication service facilities, in conformance with §32-16.

24-2.2.5

Private Occupational Schools.

24-2.2.6

Bank drive-in within 500 feet of another bank drive-in as permitted by §24-2.3.3.

24-2.2.7

Inclusionary two family and multi-family dwelling units subject to the provisions of §32-12, herein.

24-2.2.8

Retail boat sales including accessory boat repairs and storage in conformance with §32-22.

24-2.2.9

Automobile dealership, new and used as defined in Section 5-2 in operation as the effective date of this Amendment.

24-2.3 Accessory Uses

24-2.3.1

Use customarily accessory to a permitted principal use including the manufacturing, processing or assembly of goods which is incidental to the conduct of a retail business conducted on the premises, subject to provisions of §32-7, herein.

24-2.3.2

Outdoor storage and display is permitted in accordance with §32-6, herein.

24-2.3.3

Bank drive-in; except that no lot shall be used for a bank drive-in, if such lot is located within a radius of 500 feet from any other lot used for a drive-in bank, provided that the Planning & Zoning Commission may permit, upon a Special Permit Approval in accordance with §43 of the regulations, and so long as the Commission shall find that such use shall maintain or improve the traffic level of service and safety conditions in and around the site. The application must be accompanied by a traffic report supplied by the applicant.

24-2.3.4

Wholesaling and warehousing.

24-2.3.5

Outdoor Eating Areas for Restaurants, Cafes, Taverns and Retail Food Establishments subject to an annual Zoning Permit approval pursuant to §5 and §32-20 Outdoor Eating Areas.

24-2.3.6

Games Rooms, subject to the following conditions:

- a. That a Zoning Permit be obtained from the Zoning Enforcement Officer.
- b. The number of coin operated amusement devices shall be limited to not more than 3 per lot.
- c. The hours of operation of said game room shall not exceed those of the principle use, but in no case shall the hours of operation extend beyond 11:00 P.M. except in establishments with liquor licenses for on-premises consumption.

24-2.3.7

One attached dwelling unit.

24-2.4 Prohibited Uses

Except as provided in Section 24-2.2.9, herein, the following uses in addition to those listed in §32-7, herein, shall be prohibited: gasoline filling stations, automobile service establishments, motor vehicle repair garages, any lot, establishment, agency or dealer for new, rental or used motor vehicles, automobiles, motor cycles, trucks, mobile homes, trailers, campers, farm or other heavy equipment, hotels, motels, motor inns, and drive-in restaurants.

24-3 Lot Area (See Definitions)

No minimum requirement, except that no lot shall have less than 50 feet of frontage on at least one street.

24-4 Setbacks (See §31-4 through §31-8, also.)

No principal building, structure or use shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, fifteen (15) feet from any side lot line or twenty-five (25) feet from any rear lot line. No accessory building or structure shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary, and fifteen (15) feet from the side and rear lot lines.

24-4.1 Building Spacing

Groups of buildings on a single lot shall be so arranged that the minimum horizontal distance between the nearest walls, or corners of any principal and/or accessory buildings shall not be less than one-half the sum of the heights of such adjacent buildings.

24-5 Height

No building or other structure shall exceed two (2) stories and a height of either twenty-five (25) feet to the top of a flat roof or thirty (30) feet to the mid-point of a pitched roof.

24-6 Coverage (See Definitions)

The building coverage shall not exceed twenty-five percent (25%) of the area of the lot which lies within a General Business District.

24-6.1 Coverage Exemptions

Coverage shall not include entry ways comprising less than a total of 200 SF; said exemption benefitting considerations of public access, safety and convenience.

24-7 Building Area

No mandatory requirements.

24-8 Floor Area

24-8.1 Maximum

No one building shall exceed 10,000 square feet of gross interior floor area and no group of stores or shopping center shall exceed 50,000 square feet of gross interior floor area.

24-8.2 FAR (see definitions)

No buildings or structures shall exceed a Floor Area Ratio (FAR) of 0.25 on the area of the lot that lies within the General Business District (GBD) Zone. Floor area used for parking and loading spaces, internal vehicular drop off and internal display areas for up to a total of five (5) vehicles shall be excluded from the FAR.

No buildings or structures in any Multiple Use Development, which contains two-family or multi-family dwellings, shall exceed an FAR as described in §32-12. In any Multiple Use Development containing two-family or multi-family dwellings, any incremental increase in floor area above the maximum allowable FAR for the non-residential uses shall be used for dwelling(s) units, only. No dwelling unit approved under these bonus provisions shall thereafter be changed to any non-residential use. Floor area used for parking and loading shall be excluded from the FAR.

24-9 Architectural Design

The architectural design, scale and mass of buildings and other structures, including, among other elements, the exterior building material, color, roof-line, and building elevations shall be of such character as to harmonize and be compatible with the other buildings in the General Business Districts so as to preserve and improve the appearance and beauty of the community. New construction or reconstruction shall adhere to the design purpose of this district, in whole or in part.

- a. Buildings designed to achieve a small scale and residential appearance shall be encouraged.
- b. Pitched roofed buildings shall be encouraged.
- c. Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.
- d. Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.

24-10 Signs

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

24-11 Parking and Loading

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations.

24-12 Landscaping, Screening and Buffer Areas

Landscaping, screening and buffer areas shall be provided in accordance with §35 of the Supplementary Regulations.